UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

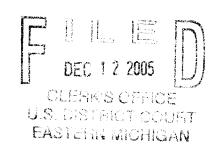
BONNIE A. BERGLEY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.



Case No. 04-72482 Hon. Bernard A. Friedman



MEMORANDUM OPINION AND ORDER

This matter is before the Court on Magistrate Judge Wallace Capel, Jr.'s Report and Recommendation dated October 18, 2005. No objections were filed.

This Court has had an opportunity to fully review this matter and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons.

ACCORDINGLY:

IT IS HEREBY ORDERED that Magistrate Judge Wallace Capel, Jr.'s Report and Recommendation dated October 18, 2005, is hereby accepted and adopted.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment is denied.

IT IS FURTHER ORDERED that defendant's motion for summary judgment is

granted and judgment entered for Defendant Commissioner

DEC 12 2005

Detroit, Michigan

BERNARD A. FRIEDMAN CHIEF JUDGE

I hereby certify that a copy of the foregoing document was served this date upon counsel of record

was served this date upon counsel of recelectronically and or via first-class mail

Patricia Foster Hommel Secretary to Chief Judge Friedman